

109TH CONGRESS
1ST SESSION

H. R. 1790

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2005

Received; read twice and referred to the Committee on Health, Education,
Labor, and Pensions

AN ACT

To protect children and their parents from being coerced
into administering a controlled substance in order to
attend school, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Child Medication Safe-
3 ty Act of 2005”.

4 **SEC. 2. REQUIRED POLICIES AND PROCEDURES.**

5 (a) IN GENERAL.—As a condition of receiving funds
6 under any program or activity administered by the Sec-
7 retary of Education, not later than 1 year after the date
8 of the enactment of this Act, each State shall develop and
9 implement policies and procedures prohibiting school per-
10 sonnel from requiring a child to obtain a prescription for
11 substances covered by section 202(c) of the Controlled
12 Substances Act (21 U.S.C. 812(c)) as a condition of at-
13 tending school or receiving services.

14 (b) RULE OF CONSTRUCTION.—Nothing in sub-
15 section (a) shall be construed to create a Federal prohibi-
16 tion against teachers and other school personnel con-
17 sulting or sharing classroom-based observations with par-
18 ents or guardians regarding a student’s academic perform-
19 ance or behavior in the classroom or school, or regarding
20 the need for evaluation for special education or related
21 services under section 612(a)(3) of the Individuals with
22 Disabilities Education Act (20 U.S.C. 1412(a)(3)).

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) CHILD.—The term “child” means any per-
2 son within the age limits for which the State pro-
3 vides free public education.

4 (2) STATE.—The term “State” means each of
5 the 50 States, the District of Columbia, and the
6 Commonwealth of Puerto Rico.

7 **SEC. 4. GAO STUDY AND REVIEW.**

8 (a) REVIEW.—The Comptroller General of the United
9 States shall conduct a review of—

10 (1) the variation among States in definitions of
11 psychotropic medication as used in regard to State
12 jurisdiction over public education;

13 (2) the prescription rates of medications used in
14 public schools to treat children diagnosed with atten-
15 tion deficit disorder, attention deficit hyperactivity
16 disorder, and other disorders or illnesses;

17 (3) which medications used to treat such chil-
18 dren in public schools are listed under the Controlled
19 Substances Act; and

20 (4) which medications used to treat such chil-
21 dren in public schools are not listed under the Con-
22 trolled Substances Act, including the properties and
23 effects of any such medications and whether such
24 medications have been considered for listing under
25 the Controlled Substances Act.

1 (b) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the Comptroller General of the
3 United States shall prepare and submit a report that con-
4 tains the results of the review under subsection (a).

Passed the House of Representatives November 16,
2005.

Attest:

JEFF TRANDAHL,
Clerk.